
REMARKS

In an Office Action dated April 7, 2004, claims 1-11 in the subject patent application were rejected. Claims 12-14 in the application were withdrawn from consideration. By amendment above, claims 1, 2, and 11 have been rewritten. Support for the amendments in claims 1, 2, and 11 can be found on pages 1, 7 and 8 of the specification.

Reconsideration of this application and allowance of the claims is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner has issued a restriction requirement under 35 U.S.C. §121 requiring an election of one of the inventions. According to the Examiner claims 1-11 (group I) are drawn to an alloy, claim 12 (group II) is drawn to an electric resistance wire, and claims 13-14 are drawn to a method of producing a resistance wire. Applicants submit that the electric resistance wire claimed in claim 12 and its method of production in claims 13-14 and the alloy in claims 1-11 are all describing alloy compositions of superior properties. The alloy composition in claims 1-11 is a composition for electric resistance wires having superior properties compared to the prior art both in its increased electric resistance properties and its workability to produce the alloy for the electrical resistance wire. Thus, in contrast to the Examiner's assertion, examination of the claims does not require new or additional searching. Therefore, applicants submit that claims 1-14 do not require additional effort in examining the electric resistance wire of claim 12 and its method of production in claims 13-14 together with the alloy compositions of claims 1-11. For this reason applicants respectfully request withdrawal of the restriction requirement and traverse. In the alternative, applicants elect claims 1-11 (group I) drawn to the alloy composition as these

have been examined by the Examiner. In that instance, applicants request the Examiner to rejoin the claims 12-14 subsequent to an allowance of claims 1-11.

Claim 11 is rejected under 35 U.S.C. §112 for failing to comply with the written description requirement. The Examiner asserts that the limitation “electric resistance of more than 46 Ohm” in claim 11 has no literal support in the specification. Further, according to the Examiner, the expression “more than 46 Ohm” includes electric resistance values not disclosed in table 1. Accordingly, the Examiner asserts that claim 11 is directed to subject matter not described in the specification in such a way as to reasonably convey that the inventor at the time the application was filed had possession of the claimed invention.

Applicants submit that claim 11, as amended, is adequately described in the specification because the alloy compositions in table 1, as in claim 1, have a resistance greater than 46.8 Ohm not exceeding a resistance of 48.3 Ohm. In particular, on page 7 line 18 to page 8 line 2 of the specification the superior electric resistance of the claimed alloy compositions is described in detail note also table 1, samples 2 and 3. Therefore, there is clear evidence that the inventors were in possession of the subject matter of claim 11 at the time the application was submitted. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1-5 and 7-9 were rejected under 35 U.S.C. §103 as being obvious over U.S. Patent No. 6,296,953 to Linden et al, JP 05098401, JP 06330246, JP 09263906, JP 49115927, JP 04083820, JP 04350148, JP 02118053, CN 1122841, SE 513989 or SE 508595. The Examiner asserts that these references, as well as the present application, disclose Fe-Cr-Al alloy compositions. The Examiner acknowledges that the cited references do not disclose the claimed Be element of the alloy compositions. However, the Examiner contends that the presently

claimed invention reads on a Be content of zero and thus is obvious in view of the cited prior art that does not disclose any Be.

Applicants submit however that the present claims as amended do require the presence of Be. Claim 1 clearly recites that Be is a required component, because claim 1, as amended, recites that the Fe-Cr-Al-Zr-Ti-Be alloy “contains the elements Fe, Cr, Al, Zr, Ti, and Be.” On page 1 of the current specification low amounts of Be in connection with Fe-Cr-Al alloys are disclosed. In addition, the disclosure on page 7 of the specification shows that Be or Be and Mn are added to the alloy. This shows that Be is required in the Fe-Cr-Al alloy. Therefore, the alloy compositions in claims 1-5, and 7-9 are very different than the alloy compositions in the prior art references cited by the Examiner. Similarly, none of these prior art references teach or suggest the alloy compositions as claimed either alone or in combination. Accordingly, withdrawal of the rejection is respectfully requested.

Claim 11 was rejected under 35 U.S.C. §103 as being obvious over the same references as described above. The Examiner asserts that because the claim reads on a composition with no Be, the presently claimed electric resistance properties and the compositions overlap with the Fe-Cr-Al compositions disclosed by the references. According to the Examiner the electric resistance properties of the present claim 11 therefore must be inherently present in the alloy compositions of the cited references.

Applicants submit that the presently claims require the alloy composition to contain Be as discussed above. In addition, the specification further describes the increased electric resistance as a result of Be present in the Fe-Cr-Al alloy composition. Therefore, as the composition of the presently claimed invention contains Be as opposed to the compositions of the cited references

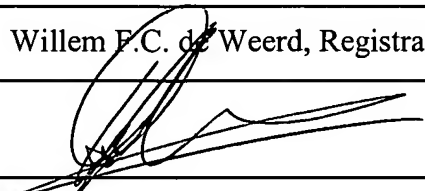
the increased electric resistance property in claim 11 is not taught by or inherent in these references. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1-6 and 10 were rejected under 35 U.S.C. §103 as being obvious over GB 1299390 (GB '390). According to the Examiner the reference discloses a Fe alloy composition as claimed including Be. Further, the Examiner asserts that the reference discloses that the total amount of Be and Ti in the composition is from 0 to 4 wt%. Furthermore, according to the Examiner the claimed amount of Al, Zr, and/or rare earth metals in the present application includes zero indicating to the Examiner that these elements are optional elements.

The GB '390 reference discloses Fe alloy compositions which do not contain Al. Applicants submit that the inclusion of Al is not taught or suggested by the GB '390 reference. In fact the one Fe alloy composition in the GB '390 reference which includes Al is a comparative example of alleged inferior properties. Further, Applicants submit that the present claims, as amended, do require the presence of Al and Zr. Claim 1 clearly recites that Al is a required component. In this respect claim 1, as amended, recites that the alloy contains the element Al. That is a positive recitation that Al is a required element of the alloy of the invention. The amendment to claim 1 is supported by the specification as it discloses the inclusion of small amounts of Al in the alloy. Thus, the element Al is required to be present in the alloy of the invention. Therefore, the alloy composition of the GB '390 reference is very different from the alloy composition claimed. Thus, the claimed invention as in claims 1-6, and 10 is not taught or suggested by GB '390. Moreover, GB '390 actually teaches away from away from using Al in the Fe alloy. Therefore, claims 1-6, and 10 are non-obvious over GB '390. Accordingly, withdrawal of the rejection is respectfully requested.

Applicants submit that the present application is now in condition for allowance.

Reconsideration and favorable action are earnestly requested.

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